



Town of Merrimack, New Hampshire

Community Development Department

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Planning - Zoning - Economic Development - Conservation

MEMORANDUM

Date: September 30, 2015

To: Robert Best, Chairman, & Members, Planning Board

From: Jillian M. Harris, AICP, Planning & Zoning Administrator

Subject: **North View Homes & Development, Inc. (applicant) and Elaine and Walter Domian (owners)** – Review for acceptance and consideration of a Final Approval of an application for a 2-lot minor subdivision. The parcel is located at 15 Brenda Lane in the R-1 (Residential) and Aquifer Conservation and Flood Hazard Conservation Districts and Shoreland Protection Area. Tax Map 6D, Lot 037.

Background: The subject property is an approximately 4.49 acre parcel located at 15 Brenda Lane in the R-1 (Residential) District with an existing single family residence, one accessory structure and a pool. The property is currently serviced by MVD water and private septic.

The applicant has proposed a sewer easement that spans the property line between the two new parcels. Upon installation of sewer (coupled with the existing MVD water), the parcels will become R-4 (Residential) with minimum lot requirements of 40,000 s.f. of gross area, 20,000 s.f. of continuous non-wetland soils and 150 ft. of frontage. Minimum setbacks in the R-4 district include 30 ft. front, 20 ft. side, and 60 ft. rear.

The subdivision of this parcel into two lots requires that the new lots meet current lot and yard regulations including a 40 ft. wetland building setback per Section 2.02.7.A.6 of the Zoning Ordinance. The house and shed currently on parcel 6D/37 will encroach into this setback and may require relief from the Zoning Board of Adjustment.

Waivers: Although none have been requested, staff recommends a sidewalk waiver per Section 4.06.1(r) of the Subdivision and Site Plan Regulations, or a determination under Section 4.07 that it is not necessary (As a Minor Subdivision, the Board has the option of determining that a waiver is not required).

Staff recommends that the Board vote with respect to any requested waivers utilizing the criteria from RSA 674:36:

- Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; **or**
- Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Recommendation:

Based on the information available to date, **the planning staff recommends that the Board grant conditional final approval to the application with the following precedent conditions to be fulfilled within 6 months and prior to plan signing, unless otherwise specified:**

1. Final plans and mylars to provide all professional endorsements and be signed by all property owners;
2. Any waivers granted shall be listed with the section number and date of approval on the Final Plan;
3. A draft copy of any proposed easements and any applicable legal documents to be submitted to the Community Development Department for review and approval by the town's legal counsel (legal review shall be performed at the applicant's expense);
4. The applicant shall obtain all necessary state permits (including NHDES Shoreland Impact Permit, as applicable), provide copies of the permits to the Community Development Department file, and note the approvals in the notes on the plan;
5. Applicant shall obtain appropriate relief from the Zoning Board of Adjustment, as necessary, for structures to remain within the 40' wetland building setback per Section 2.02.7.A.6 of the Zoning Ordinance (or remove the structure(s) prior to issuance of any Building permits for the 2 lots);
6. Applicant shall address any forthcoming comments from the Department of Public Works, as applicable;
7. Applicant shall address any forthcoming comments from the Fire Department, as applicable, including future addressing requirements;
8. Applicant shall address any forthcoming comments from Merrimack Village District, as applicable;
9. Applicant shall address any forthcoming comments from the Conservation Commission, as applicable;
10. Address planning staff technical comments. (Below)

Planning Staff Technical Comments

1. Applicant to add a note to the plan indicating which sheets are to be recorded at HCRD and that a full set is on file with the Community Development Department;

Staff also recommends that the following general and subsequent conditions be placed on the approval:

1. The applicant is responsible for recording the plan (including recording fee and the \$25.00 LCHIP fee, check made payable to the Hillsborough County Treasurer) at the Hillsborough County Registry of Deeds. The applicant is also responsible for providing proof of said recording(s) to the Community Development Department;
2. Any proposed easements and/or applicable legal documents shall be recorded at the Hillsborough County Registry of Deeds at the expense of the applicant;

Ec: Northview Homes & Development, Inc., Applicant
Walter & Elaine Domian, Owner
Kenneth Clinton, Land Surveyor
Carol Miner and Fred Kelly, Building Department
Kyle Fox, Deputy Director of Public Works/Town Engineer
John Manuele, Captain, Merrimack Fire Department
Loren Martin, Assessing Department

Cc: Planning Board File
Correspondence